

8B.11 Empower rural Iowa — broadband grants — fund.

1. The office shall administer a broadband grant program designed to reduce or eliminate unserved and underserved areas in the state, leveraging federal funds and public and private partnerships where possible, by awarding grants to communications service providers that reduce or eliminate targeted service areas by installing broadband infrastructure that facilitates broadband service in targeted service areas at or above the download and upload speeds specified in [subsection 5](#), in accordance with [this section](#).

2. *a.* An empower rural Iowa broadband grant fund is established in the state treasury under the authority of the office. The fund shall consist of moneys available to and obtained or accepted by the office. Moneys in the fund are appropriated to the office to be used for the grant program, including for broadband mapping and the administration and operation of the grant program.

b. The office shall use moneys in the fund to provide grants to communications service providers pursuant to [this section](#). The office may use not more than one percent of the moneys in the fund at the beginning of the fiscal year to pay the costs and expenses associated with the administration and operation of the grant program. The office shall use moneys in the fund to leverage available federal moneys if possible.

c. Notwithstanding [section 8.33](#), moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until three years following the last day of the fiscal year in which the funds were originally appropriated.

d. Notwithstanding paragraph “c” or any provision to the contrary, moneys in the fund that have been awarded but not paid to a communications service provider shall not revert but shall remain available to the office for purposes of administering the award in a manner consistent with the terms and conditions of any corresponding contract or grant agreement governing the administration of the award.

3. Communications service providers may apply to the office for a grant pursuant to [this section](#) for the installation of broadband infrastructure that facilitates broadband service in targeted service areas at or above the download and upload speeds specified in [subsection 5](#). The office shall include representatives from schools, communities, agriculture, industry, and other areas as appropriate to review and recommend grant awards. The office shall conduct an open application review process that includes the opportunity for the public to submit factual information as part of a validation process to address claims that a targeted service area is currently served with broadband service at or above the download and upload speeds specified in [subsection 5](#). Upon completion of the validation process, the office may modify a proposed targeted service area to account for information received during the validation process. The office shall make available a public internet site identifying all publicly available information contained in the applications, the members of the review committee, a summary of the review committee’s recommended results, and any results of performance testing conducted after the project is completed.

4. *a.* The office shall award grants on a competitive basis for the installation of broadband infrastructure that facilitates broadband service in targeted service areas at or above the download and upload speeds specified in [subsection 5](#), after considering the following:

(1) The relative need for broadband infrastructure in the area and the existing broadband service speeds, including whether the project serves a rural area or areas.

(2) The applicant’s total proposed budget for the project, including all of the following:

(a) The amount or percentage of local or federal matching funds, if any, and any funding obligations shared between public and private entities.

(b) The percentage of funding provided directly from the applicant, including whether the applicant requested from the office an amount less than the maximum amount the office could award pursuant to [subsection 5](#) and, if so, the percentage of the project cost that the applicant is requesting.

(3) The relative download and upload speeds of proposed projects for all applicants.

(4) The specific product attributes resulting from the proposed project, including

technologies that provide higher qualities of service, such as service levels, latency, and other service attributes as determined by the office.

(5) The percentage of the homes, farms, schools, and businesses in the targeted service area that will be provided access to broadband service.

(6) The geographic diversity of the project areas of all the applicants.

(7) The economic impact of the project to the area.

(8) Other factors the office deems relevant.

b. In considering the factors listed in paragraph “a” for awarding grants pursuant to [this section](#), the office shall afford the greatest weight to the factors described in paragraph “a”, subparagraphs (1) through (3).

c. Except as otherwise provided in [this section](#), the office shall not evaluate applications based on the office’s knowledge of the applicant except for information obtained by the office during the application process or period for public comment.

5. The office shall not award a grant pursuant to [this section](#) that exceeds thirty-five percent of the communications service provider’s project cost. The total amount of the grants the office awards from the empower rural Iowa broadband grant fund pursuant to [this section](#) shall be as follows:

a. For projects that will result in the installation of broadband infrastructure that will facilitate broadband service providing a minimum download speed less than one hundred megabits per second but greater than or equal to the download speed specified in the definition of targeted service area in [section 8B.1](#), and a minimum upload speed less than twenty megabits per second but greater than or equal to the upload speed specified in the definition of targeted service area in [section 8B.1](#), the total amount of the grants the office awards shall not exceed fifty percent of the moneys in the fund at the beginning of the fiscal year. However, if the amount requested for projects that facilitate broadband service at the speeds described in paragraph “b” for the fiscal year is less than the amount reserved for projects under paragraph “b”, the office may award the difference to projects under this paragraph for the same fiscal year.

b. For projects that will result in the installation of broadband infrastructure that will facilitate broadband service providing a minimum download speed of one hundred megabits per second and a minimum upload speed of twenty megabits per second, the total amount of the grants the office awards shall not exceed fifty percent of the moneys in the fund at the beginning of the fiscal year. However, if the amount requested for projects that facilitate broadband service at the speeds described in paragraph “a” for the fiscal year is less than the amount reserved for projects under paragraph “a”, the office may award the difference to projects under this paragraph for the same fiscal year.

6. The office shall provide public notice regarding the application process and receipt of funding.

7. The office shall not award a grant pursuant to [this section](#) on or after July 1, 2025.

8. The office may adopt rules pursuant to [chapter 17A](#) interpreting [this chapter](#) or necessary for administering [this chapter](#), including but not limited to rules relating to the broadband grant program process, management, and measurements as deemed necessary by the office.

9. The office shall adopt rules establishing procedures to allow aggrieved applicants an opportunity to challenge the office’s award of grants under [this section](#).

[2015 Acts, ch 120, §32; 2019 Acts, ch 159, §6 – 11; 2020 Acts, ch 1078, §6 – 12, 17, 18](#)

Referred to in [§8B.1, 8B.4, 8B.9, 8B.10](#)

Subsection 2, paragraph d, applies retroactively to July 1, 2015; 2020 Acts, ch 1078, §18

Subsection 1 amended

Subsection 2, paragraphs a and b amended

Subsection 2, NEW paragraph d

Subsection 3 amended

Subsection 4, paragraph a, unnumbered paragraph 1 amended

Subsection 4, paragraph a, subparagraph (2) amended

Subsection 5 amended